



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/539,925

06/16/2005

Hartmut Flaig

05-409

8395

34704 7590 08/18/2010

BACHMAN & LAPOINTE, P.C.

900 CHAPEL STREET

SUITE 1201

NEW HAVEN, CT 06510

EXAMINER

SAETHER, FLEMMING

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

08/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,925	FLAIG, HARTMUT	
	Examiner	Art Unit	
	Flemming Saether	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-72 is/are pending in the application.
- 4a) Of the above claim(s) 47-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Claims 47-72 remain in this application as withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 37-46 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed liquid-tight connection between the screw beveled portion and a counter-cone in the oil line of oil tank is considered new matter. The paragraphs pointed to by applicant, namely [0003] and [0027], do not describe a liquid-tight connection between the screw plug's beveled portion and a counter-cone in the oil line of oil tank. All that is disclosed is the plug in combination with the oil line or oil tank and while it can be assumed that there is liquid-tight connection based on the definition of plug there is no discussion of the liquid-tight connection being at a connection between the bevel and a counter-cone. In fact there is found no disclosure of a "counter-cone" in either the description or drawings.

Claim Rejections - 35 USC § 103

Art Unit: 3677

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-40 are 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bower (3,294,859) in view of Wilson (US 1,716,334) Starr (US 2,962,185). Bower discloses a combination of an oil tank (10) and a screw plug (14-16) but does not disclose the details of the screw plug as claimed. Wilson discloses a metal screw plug comprising a top plate, a polygonal blind hole (11) for a tool aligned with a further blind hole extending from an opposite end and an external thread. The further blind hole is shown to have a beveled inner edge. At the time the time the invention was made, it would have been obvious for one of ordinary skill in the art to substitute the screw plug of Bower with the screw plug of Wilson because the special recess as disclosed in Wilson would provide added security to the Bower device and both plugs are for the same purpose and as such their substitution would have predictable results. Wilson does not disclose beveled portion between the top plate and shank. Starr discloses a sealing fastener including a beveled portion between a top plate and a shank (shown at lead line 22) which seals with a counter-cone (39). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the plug of modified Bower with a similar beveled and counter portion as disclosed in Starr because the such a configuration would simplify the seal by not require a separate sealing washer as currently required in both Bower and Wilson. Furthermore it would have been

Art Unit: 3677

obvious for one of ordinary skill in the art to make the foot diameter of the beveled portion with the claimed range because it is known to make plugs in different sizes depending upon a particular application thus the size of the foot diameter would have been realized with an appropriately sized plug.

Claims 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over modified Bower as applied to claim 37 above, and further in view of Turkish (US 2,542,377). Modified Wilson does not disclose the further blind bore having an end wall tapering to an axis. Turkish discloses a plug with a further bore (24) wherein the further bore has an end which tapers to the axis. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to have the further bore of modified Bower taper to the axis as shown in Turkish because such a shape would be the result of the formation of the further bore with a convenient tool such as a drill tip. Again, the claimed size would have been realized because it is known to make plugs in different sizes depending upon a particular application thus the size of the depth and diameter of the further bore would have been realized with an appropriately sized plug.

Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over modified Wilson as applied to claim 37 above, and further in view of Donovan (US 6,155,761). While modified Bower shows the further bore to have an internal bevel it does not disclose an external bevel. Donovan discloses a plug to having an external bevel leading to a thread (see Fig. 8) for the purpose of preventing cross threading. At the

Art Unit: 3677

time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the plug of modified Bower with an external bevel leading to the thread for the same reason so as to prevent the threads from cross-threading.

Response to Remarks

Applicant's arguments have been considered but, are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Flemming Saether
Primary Examiner
Art Unit 3677

/Flemming Saether/
Primary Examiner, Art Unit 3677

Application/Control Number: 10/539,925
Art Unit: 3677

Page 6